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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

WELSH & KATZ
120 SOUTH RIVERSIDE PLAZA
22 FLOOR
CHICAGO IL 60606

In re Application of:

Johnston et al.

Application No. 10/008,671

Filed: December 7, 2001

For: **CARBON MONOXIDE AND SMOKE
DETECTION APPARATUS**

This is a decision on the Petition filed May 6, 2003, which is being treated under 37 C.F.R. § 1.8 to withdraw the holding of abandonment.

A Notice of Abandonment was mailed April 21, 2003 for failure to timely respond to the Office action mailed September 19, 2002.

Petitioner alleges to have timely submitted a response to the Office action. In support, the Petitioner has included a copy of the response with a Certificate of Mailing dated December 11, 2002.

Pursuant to 37 CFR 1.8(b), a correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

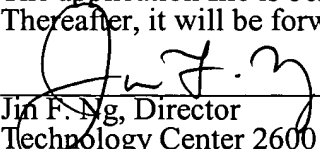
1. Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
2. Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
3. Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements set forth in 37 C.F.R. § 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the technical support staff for entry of the response. Thereafter, it will be forwarded to the Examiner for further examination.


Jin F. Ng, Director
Technology Center 2600
Communications